



California Fair Political Practices Commission

April 7, 1986

John F. Parkhurst
Secretary/Treasurer
Bob Moretti Memorial Scholarship Foundation
925 L Street, Ste. 850
Sacramento, CA 95814

Re: FPPC Advice No. A-86-091

Dear Mr. Parkhurst:

This is in response to your letter of March 5, 1986, which requested advice regarding the lobbying disclosure provisions of the Political Reform Act (Government Code Sections 81000 - 91015). Specifically, you asked whether a lobbyist may donate a prize to the Bob Moretti Memorial Scholarship Foundation's annual golf tournament in light of the fact that a member of the Legislature is likely to be the recipient of the prize.

According to your letter, the golf tournament provides the Foundation with its scholarship funds. Participants in the tournament are divided into 36 foursomes, each of which will include at least one member of the Legislature. Prizes are awarded to the 10 foursomes with the best golf scores.

Government Code Section 86203 states:

It shall be unlawful for a lobbyist, or lobbying firm, to make gifts to one person aggregating more than ten dollars (\$10) in a calendar month, or to act as an agent or intermediary in the making of any gift, or to arrange for the making of any gift by any other person.

However, under these circumstances, the prize in question is a gift to the Foundation and not to the person who will ultimately receive it. Therefore, a lobbyist is not prohibited from donating a prize for the tournament. However, if the circumstances become such that all or nearly all of the legislators will receive prizes, our conclusion may change.

I hope the foregoing is helpful. Please feel free to contact me at (916) 322-5662 if you have additional questions.

Sincerely,

Carla Wardlow

Carla Wardlow
Political Reform Consultant

CW:cah

Bob Moretti Memorial Scholarship Foundation

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March 5, 1986

Fair Political Practices Commission
Legal Division
Post Office Box 807
Sacramento, California 95804 0807

LEGAL STAFF ON PUBLIC ADVICE:


The Bob Moretti Memorial Scholarship Foundation was established in 1984 to honor the memory of the late Bob Moretti, former Speaker of the California State Assembly. The Foundation's purpose is committed to the support of scholarships in the name of Bob Moretti at the University of Notre Dame.

The funds for the scholarships are obtained by a single fund raising golf tournament each year. Fees to enter the tournament are paid by various people including lobbyists and lobbyist employers. The fees cover the cost of golf and dinner as well as provide the scholarship funds.

Members of the California Legislature are especially supportive of this effort. In fact, each of the 36 foursomes playing golf includes at least one member of the Legislature. The 10 foursomes with the best golf score are awarded prizes that range in value from a high of \$200 to a low of \$10. These prizes are donated to the Foundation for use with the tournament by many companies and individuals. We would appreciate your addressing the following question: Can a lobbyist make a personal contribution to the Foundation in the form of a prize that will, in all probability, be won by a group that will include a member of the California Legislature without violating the provisions of the Political Reform Act of 1974.

Thank you for your consideration. Please call Gregg Cook 325-7943 if you have any questions or desire further clarification of this request.

Sincerely,



John F. Parkhurst
Secretary/Treasurer